

May 12, 1998

**OFFICE OF THE HEARING EXAMINER
KING COUNTY, WASHINGTON**

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REPORT AND DECISION ON APPLICATION FOR PRELIMINARY PLAT APPROVAL

SUBJECT: Department of Development and Environmental Services File No. **L96P0001**

HADLEY PLACE
Preliminary Plat Application

Location: Lying on the south side of Star Lake Road/South 276th Street and
approximately 300 feet west of 46th Avenue South

Applicant: Schneider Homes, Inc, Ken Peckham
6510 Southcenter Boulevard, Tukwila, WA 98188

SUMMARY OF RECOMMENDATIONS:

Department's Preliminary:	Approve, subject to conditions
Department's Final:	Approve, subject to conditions (modified)
Examiner:	Approve, subject to conditions (modified)

PRELIMINARY MATTERS:

Application submitted:	January 12, 1996
Date of complete application (revised):	October 23, 1997

EXAMINER PROCEEDINGS:

Hearing Opened:	April 28, 1998
Hearing Closed:	April 28, 1998

Participants at the public hearing and the exhibits offered and entered are listed in the attached minutes.
A verbatim recording of the hearing is available in the office of the King County Hearing Examiner.

ISSUES ADDRESSED:

- Road standards (intersection alignment/spacing)
- Walkways
- Surface water drainage

FINDINGS, CONCLUSIONS & DECISION: Having reviewed the record in this matter, the Examiner now makes and enters the following:

FINDINGS:

1. General Information:
Owner/Developer: Schneider Homes, Inc., Ken Peckham
6510 Southcenter Boulevard, Tukwila, WA 98188
Engineer: Daley-Morrow-Poblete, Inc
1215 Central Avenue South #133
Location: Lying on the south side of Star Lake Road (South 276th Street),
approximately 300 feet west of 46th Avenue South
STR: SW/NE 34-22-04
Zoning: R4
Acreage: 4.69 acres
Number of Lots: 18
Density: 3.84 units per acre
Typical Lot Size: Ranges from 6,100 to 8,300 square feet
Proposed Use: Detached single family residential
Sewage Disposal: Lakehaven Utility District
Water Supply: Highline Water District
Fire District: No. 39 (Federal Way)
School District: Federal Way School District
Complete Application Date: October 23, 1997
2. Except as modified below, the facts set forth in the King County Land Use Services Division's Preliminary Report to the King County Hearing Examiner for the April 28, 1998 public hearing are found to be correct and are incorporated herein by this reference. Copies of the said report will be attached to the copies of this report submitted to the County Council.
3. An infiltration pond is proposed at the southeast corner of the site. If infiltration is used for disposal of surface water run-off, an overflow route must be provided. The route proposed is to the south and east, along the South 278th Street corridor to 46th Avenue South. However, the ownership and rights of the public within the area designated "South 278th Street", from the subject property to 46th Avenue South, are unclear.
4. DDES has recommended, and the applicant has agreed, that a pedestrian route south from the cul-de-sac road serving the subject property should be extended to the south property boundary. This route would enable persons residing within the plat to utilize the South 278th Street alignment, should it be opened in the future to pedestrian travel, as a more direct walking route to Valhalla Elementary School on 42nd Avenue South.

CONCLUSIONS:

1. If approved subject to the conditions set forth below, the proposed subdivision will comply with the goals and objectives of the King County Comprehensive Plan, Federal Way Community Plan, Subdivision and Zoning Codes, and other official land use controls and policies of King County.
2. If approved subject to the conditions set forth below, this proposed subdivision will make appropriate provision for the public health, safety and general welfare and for open spaces, for drainage ways, streets, other public ways, transit stops, potable water supply, sanitary wastes, parks and recreations, playgrounds, schools and school grounds, and safe walking conditions for students who only walk to school; and it will serve the public use and interest.
3. The conditions for final plat approval set forth below are in the public interest and are reasonable requirements to mitigate the impacts of this development upon the environment.
4. The dedications of land or easements within and adjacent to the proposed plat, as required by the conditions for final plat approval or as shown on the proposed preliminary plat submitted by the applicant, are reasonable and necessary as a direct result of the development of this proposed plat.
5. Demonstration of the right to use the South 278th Street corridor for drainage overflow, satisfactory to King County DDES and the Office of the Prosecuting Attorney, is necessary to allow utilization of that route to convey drainage overflow to 46th Avenue South. This right could be demonstrated by quit claim deed from the adjacent owner to the east, an easement, a judicial determination, or a title report showing King County's or the applicant's right to utilize that route for drainage.
6. The pedestrian connection from the internal cul-de-sac to the south boundary of the subject property does not imply any future acquisition of right-of-way, or that development of a road or pedestrian route will occur along the South 278th Street corridor. This connection is provided solely to enable residents of the plat to utilize pedestrian facilities if and when they are established along the South 278th Street alignment. Until such time, the area reserved for the pedestrian connection can be used as part of the open space and recreation area of the plat.
7. DDES and the applicant have agreed that the requirement for right-of-way dedication along the south plat boundary shall be determined during engineering plan review, and shall not exceed twenty feet in width. No development of any such right-of-way is required for plat approval.

DECISION:

APPROVE the proposed preliminary plat of Hadley Place, as revised and received on October 23, 1997 subject to the following conditions of final plat approval:

1. Compliance with all platting provisions of Title 19 of the King County Code.
2. All persons having an ownership interest in the subject property shall sign on the face of the final plat a dedication which includes the language set forth in King County Council Motion No. 5952.

3. The plat shall meet the base density (and minimum density) of the R-4 zone classification. All lots shall meet the minimum dimensional requirements of the R-4 zone classification or shall be as shown on the face of the approved preliminary plat, whichever is larger. Minor revisions to the plat which do not result in substantial changes may be approved at the discretion of the Department of Development and Environmental Services.
4. The applicant must obtain final approval from the King County Health Department.
5. All construction and upgrading of public and private roads shall be done in accordance with the King County Road Standards established and adopted by Ordinance No. 11187, as amended (1993 KCRS), subject to any variances which may be granted by the King County Road Engineer.
6. The applicant must obtain the approval of the King County Fire Protection Engineer for the adequacy of the fire hydrant, water main, and fire flow standards pursuant to Chapter 17.08 of the King County Code.
7. Final plat approval shall require full compliance with drainage provisions set forth in King County Code 9.04 and the storm drainage requirements and guidelines as established by the Surface Water Management Division, subject to approved variances. Compliance may result in reducing the number and/or location of lots as shown on the preliminary approved plat. The following conditions represent portions of the Code and requirements and shall apply to all plats.
 - A. Drainage plans and analysis shall comply with the 1990 King County Surface Water Design Manual and applicable updates adopted by King County. DDES approval of the drainage and roadway plans is required prior to any construction.
 - B. Current standard plan notes and ESC notes, as established by DDES Engineering Review, shall be shown on the engineering plans.
 - C. The following note shall be shown on the final recorded plat:

"All building downspouts, footing drains, and drains from all impervious surfaces such as patios and driveways shall be connected to the permanent storm drain outlet as shown on the approved construction drawings # _____ on file with DDES and/or the Department of Public Works. This plan shall be submitted with the application of any building permit. All connections of the drains must be constructed and approved prior to the final building inspection approval. For those lots that are designated for individual lot infiltration systems, the systems shall be constructed at the time of the building permit and shall comply with plans on file."
8. The following condition addresses drainage issues for this subdivision:
 - A. The plat is subject to final approval of a drainage variance (L97V0135) to utilize onsite infiltration of stormwater. The infiltration system shall have an adequate 100-year overflow route per the 1990 Surface Water Design Manual. All other conditions of the

- drainage variance shall be met at engineering plan submittal.
- B. Downstream capacity problems exist in the proposed 100-year overflow route, through unopened South 278th St. and the west side of 46th Ave. S. (see the Level 2 Offsite Analysis dated January 4th, 1998). Submit a Level 3 Analysis at engineering plan submittal per Core Requirement 2 SWDM to evaluate 100-year overflow route. The engineering plans shall show any necessary downstream improvements to comply with the overflow route requirement.
 - C. The applicant shall demonstrate at engineering plan submittal that valid right of way or easements exist for the 100-year overflow route improvements. This requirement may be met by deed, easement, title certificate or insurance, or other documentation satisfactory to King County DDES and the Office of the Prosecuting Attorney.
9. The following conditions outline the required road improvements:
- A. The plat access road will be required to re-align with the existing 44th Avenue S. at the entrance to Longspur. In addition, the existing house will be required to be removed or relocated to accommodate the required setback per KCC21A.12.030, if necessary. The final engineering plans shall demonstrate compliance with these requirements.
 - B. South Star Lake Road shall be improved along the frontage of the property as an urban neighborhood collector with curb, gutter, and sidewalk where it abuts this site, unless a variance is approved by the King County Road Engineer.
 - C. Street trees shall be required along South Star Lake Road per KCRS Section 5.03.
 - D. Up to twenty feet of right-of-way may be required to be dedicated for future development of South 278th Street. The requirement for dedication, if any, will be determined by DDES at the time of engineering plan review and approval.
 - E. A pedestrian connection from the plat cul-de-sac to the south boundary shall be required. This connection shall be developed per KCRS 3.08B (neighborhood pathway). DDES may waive development of this connection/pathway if DDES determines that a public right-of-way or easement along South 278th Street, connecting to either 42nd Avenue South or 46th Avenue South, is unlikely to be developed in the foreseeable future. Area for the pedestrian pathway may be incorporated in the open space tract at the discretion of DDES.
 - F. The on-site road, 44th Avenue South, shall be improved as an urban sub-access street. A cul-de-sac shall be provided at the south terminus.
 - G. There shall be no direct vehicular access to or from South Star Lake Road from those lots which abut it. Access to lot 18 shall be reconstructed so that it is provided from the internal cul-de-sac. The existing driveway on South Star Lake Road shall be abandoned prior to recording the final plat.
 - H. All lots (maximum of two) accessing Tract C shall have undivided ownership of it and be responsible for its maintenance. Tract C shall be 20 feet wide and improved with a

18-foot-wide, paved surface per KCRS 3.01.

- I. The planter islands (if any) within the cul-de-sac and “eyebrow” shall be maintained by the abutting lot owners. This shall be stated on the face of the final plat.
 - J. Modifications to the above road conditions may be considered by King County pursuant to the variance procedures in KCRS 1.08.
- 10. All utilities within proposed rights-of-way must be included within a franchise approved by the King County Council prior to final plat recording.
 - 11. The applicant or subsequent owner shall comply with King County Code 14.75, Mitigation Payment System (MPS), by paying the required MPS fee and administration fee as determined by the applicable fee ordinance. The applicant has the option to either: (1) pay the MPS fee at final plat recording, or (2) pay the MPS fee at the time of building permit issuance. If the first option is chosen, the fee paid shall be the fee in effect at the time of plat application and a note shall be placed on the face of the plat that reads, "All fees required by King County Code 14.75, Mitigation Payment System (MPS), have been paid;" if the second option is chosen, the fee paid shall be the amount in effect as of the date of building permit application.
 - 12. Lots within this subdivision are subject to King County Code 21A.43, which imposes impact fees to fund school system improvements needed to serve new development. As a condition of final approval, fifty percent (50%) of the impact fees due for the plat shall be assessed and collected immediately prior to recording, using the fee schedules in effect when the plat received final approval. The balance of the assessed fee shall be allocated evenly to the dwelling units in the plat and shall be collected prior to building permit issuance.
 - 13. Suitable recreation space shall be provided, consistent with the requirements of KCC 21A.14.180. A recreation space plan shall be reviewed and approved by DDES and the King County Parks Division prior to engineering plan approval.
 - A. An overall conceptual recreation space plan shall be submitted for review and approval by DDES, with the submittal of the engineering plans. This plan shall include location, area calculations, dimensions, and general improvements. The approved engineering plans shall be consistent with the overall conceptual plan.
 - B. A detailed recreation space plan (i.e., landscape specs., equipment specs., etc.) consistent with the overall conceptual plan, as detailed in item “A”, shall be submitted for review and approval by DDES and King County Parks prior to or concurrent with the submittal of the final plat documents.
 - C. A performance bond for recreation space improvements shall be posted prior to recording of the plat.
 - 14. A homeowners' association or other workable organization shall be established to the satisfaction of DDES which provides for the ownership and continued maintenance of the recreation and/or open space and pedestrian pathway area(s).

15. Street trees shall be provided along property frontage as follows:

- A. Trees shall be planted at a rate of one tree for every 40 feet of frontage along South Star Lake Road. Spacing may be modified to accommodate sight distance requirements for driveways and intersections.
- B. Trees shall be located within the street right-of-way and planted in accordance with Drawing No. 5-009 of the 1993 King County Road Standards, unless King County Dept. of Transportation (KCDOT) determines that trees should not be located in the street right-of-way.
- C. If KCDOT determines that the required street trees should not be located within the right-of-way, they shall be located no more than 20 feet from the street right-of-way line.
- D. The trees shall be owned and maintained by the Homeowners' Association or other workable organization unless the county has adopted a maintenance program. This shall be noted on the face of the final recorded plat.
- E. The species of trees shall be approved by DDES and KCDOT if located within the right-of-way, and shall not include poplar, cottonwood, soft maples, gum, any fruit-bearing trees, or any other tree or shrub whose roots are likely to obstruct sanitary or storm sewers, or that is not compatible with overhead utility lines.
- F. The applicant shall submit a street tree plan and bond quantity sheet for review and approval by DDES prior to engineering plan approval. KCDOT shall also review the street tree plan if the street trees will be located within the right-of-way.
- G. The applicant shall contact Metro Service Planning at 684-1622 to determine if South Star Lake Road is on a bus route. If so, the street tree plan shall also be reviewed by Metro.
- H. The street trees must be installed and inspected, or a performance bond posted prior to recording of the plat. If a performance bond is posted, the street trees must be installed and inspected within one year of recording of the plat. At the time of inspection, if the trees are found to be installed per the approved plan, a maintenance bond must be submitted or the performance bond replaced with a maintenance bond, and held for one year. After one year, the maintenance bond may be released after DDES has completed a second inspection and determined that the trees have been kept healthy and thriving.

A \$538 landscape inspection fee shall also be submitted prior to plat recording. The inspection fee is subject to change based on the current County fees.

ORDERED this 12th day of May, 1998.

James N. O'Connor
King County Hearing Examiner

TRANSMITTED this 12th day of May, 1998, to the parties and interested persons shown on the attached list.

NOTICE OF RIGHT TO APPEAL

In order to appeal the decision of the Examiner, written notice of appeal must be filed with the Clerk of the King County Council with a fee of \$125.00 (check payable to King County Office of Finance) on or before **May 26, 1998**. If a notice of appeal is filed, the original and six (6) copies of a written appeal statement specifying the basis for the appeal and argument in support of the appeal must be filed with the Clerk of the King County Council on or before **June 2, 1998**. Appeal statements may refer only to facts contained in the hearing record; new facts may not be presented on appeal.

Filing requires actual delivery to the Office of the Clerk of the Council, Room 403, King County Courthouse, prior to the close of business (4:30 p.m.) on the date due. Prior mailing is not sufficient if actual receipt by the Clerk does not occur within the applicable time period. The Examiner does not have authority to extend the time period unless the Office of the Clerk is not open on the specified closing date, in which event delivery prior to the close of business on the next business day is sufficient to meet the filing requirement.

If a written notice of appeal and filing fee are not filed within fourteen (14) calendar days of the date of this report, or if a written appeal statement and argument are not filed within twenty-one (21) calendar days of the date of this report, the decision of the hearing examiner contained herein shall be the final decision of King County without the need for further action by the Council.

MINUTES OF THE APRIL 28, 1998 PUBLIC HEARING ON DEPARTMENT OF DEVELOPMENT AND ENVIRONMENTAL SERVICES FILE NO. L96P0001 – HADLEY PLACE:

James N. O'Connor was the Hearing Examiner in this proceeding. Participating at the hearing were Kim Claussen, Bruce Whittaker, and Ray Florent representing the County; Paul Morrow, Mel Daley and Art Fitzpatrick.

The following exhibits were offered and entered into the hearing record:

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| Exhibit No. 1 | Department of Development and Environmental Services File No. L96P0001 |
| Exhibit No. 2 | Department of Development and Environmental Services Preliminary Report dated April 28, 1998 |
| Exhibit No. 3 | Application dated October 12, 1997 (revised) |
| Exhibit No. 4 | Environmental checklist dated October 23, 1997 |
| Exhibit No. 5 | Declaration of Non-significance dated March 10, 1998 |
| Exhibit No. 6 | Affidavit of Posting indicating March 27, 1998, as date of posting and April 1, 1998, as date the affidavit was received by the Department of Development and Environmental Services |
| Exhibit No. 7 | Plat map dated March 25, 1998 |
| Exhibit No. 8 | Land use map 367 East |
| Exhibit No. 9 | Assessors maps NE 34-22-4 |
| Exhibit No. 10 | Geotech study by Golder Associates dated December 21, 1995 |
| Exhibit No. 11 | Geotech study by Golder Associates dated August 6, 1996 |
| Exhibit No. 12 | Conceptual drainage plan (DMP) received October 23, 1997 |
| Exhibit No. 13 | Offsite drainage analysis by DMO dated October 22, 1997 |
| Exhibit No. 14 | SWM variance L97V0135 |